

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated August 10, 2009. After entry of this amendment, claims 1-6 and 8-13 will continue to be pending in the application. Claims 1, 3, 4 and 5 have been amended. Claims 7 and 14 have been cancelled.

Reconsideration and allowance is respectfully requested in view of the remarks made below.

1. The Rejections under 35 U.S.C. §112

Claims 1, 3, 4, 5 and 7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 1 stands rejected for reciting the limitations “the periphery”, “the strength” and “the friction” without proper antecedent basis. In response the Applicant has amended claim 1 in order to remedy this deficiency. Notice to that effect is respectfully requested.

Claim 3 stands rejected for reciting the limitation “the free end” without proper antecedent basis. In response the Applicant has amended claim 3 in order to remedy this deficiency. Notice to that effect is respectfully requested.

Claim 4 stands rejected for reciting the limitation “the outer surface” without proper antecedent basis. In response the Applicant has amended claim 4 in order to remedy this deficiency. Notice to that effect is respectfully requested.

Claim 5 stands rejected for reciting the limitation “the inner surface” without proper antecedent basis. In response the Applicant has amended claim 5 in order to remedy this deficiency. Notice to that effect is respectfully requested.

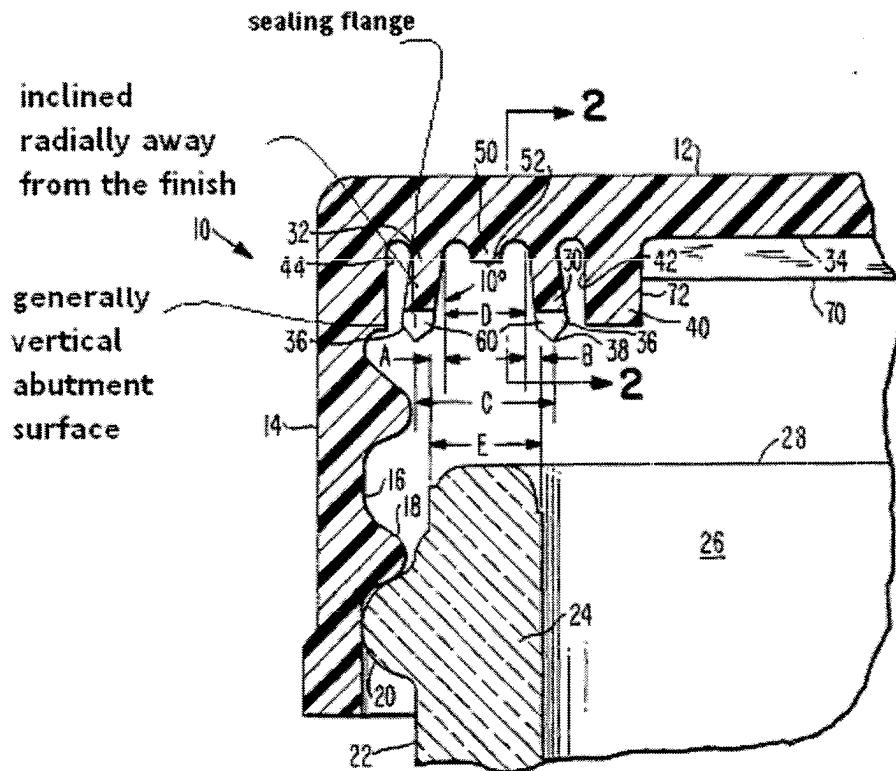
Claim 7 stands rejected for reciting the limitation “the inner surface” without proper antecedent basis. Claim 7 has been cancelled and its rejection is now rendered moot.

2. The Rejection under 35 U.S.C § 102

Claims 1-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,560,077 to Dutt (hereinafter “Dutt”). Claims 7 and 14 have been cancelled; therefore the rejection thereof has been rendered moot.

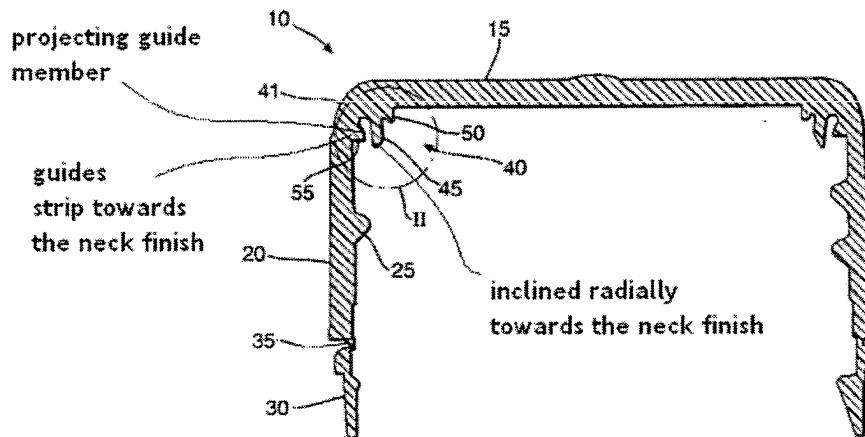
“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131.

Dutt discloses a plastic closure cap having a top 12 and a side wall 14. Dutt further discloses a sealing flange 32 depending from the top 12 and inclined radially outwardly, away from the neck finish 28. See *Dutt*, col. 4, lines 65-66. This is shown below:



Dutt also discloses an outer seal flange abutment surface 44 which is formed as a thickened wall portion of the closure cap wall and which is generally vertical (this is also shown above). See *Dutt*, col. 6, lines 26-27 and 37. When the cap is applied to the container neck, the container neck finish causes the sealing flange to deflect. See *Dutt*, col. 6, lines 42-45. Due to contact with the abutment surface, the free end of the sealing flange is directed downwardly. See *Dutt*, col. 6, lines 46-47.

The present invention differs from the cap disclosed by Dutt in that the abutment member 55 includes a projecting guide member, shown below. As shown above, the Dunn abutment surface is described as being vertical and has no projection. Furthermore, in the present invention the abutment member 55 guides the sealing strip 45 towards the neck finish, shown below. In Dunn the free end of the sealing flange is directed downwardly. In the present invention the sealing strip is inclined radially towards the neck finish, shown below. In Dunn the sealing flange according to Dutt is inclined outwardly, shown above.



Claim 1 requires "an abutment member including a projecting guide member for guiding the sealing strip towards the neck finish as the closure is applied" and "wherein the sealing strip is inclined radially towards the neck finish for improving the sealing effect." As shown above,

Dutt discloses a closure cap having a vertical abutment surface and an outwardly inclined sealing flange, which results in a downwardly directed force that presses the flange against the container neck. Dutt does not disclose an abutment member including a projecting guide member or a sealing strip inclined radially towards the neck finish. Therefore, Dutt does not meet the limitations of claim 1. Additionally there are no suggestions or teachings in Dutt that would render the limitations of claim 1 obvious to one of ordinary skill in art.

Claims 2-6 and 8-13 are in condition for allowance by virtue of their dependence upon an allowable base claim.

3. **Conclusion**

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he or she is respectfully invited to telephone the undersigned at 215-599-0600. Contact with the undersigned via electronic mail at takupstas@patentwise.com is hereby authorized¹ per MPEP 502.03.

Respectfully submitted,

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¹ Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file.